

REQUEST	Current Zoning: MUDD-O (mixed use development, optional) Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)
LOCATION	Approximately 1.50 acres located on the northwest corner at the intersection of Freedom Drive and Wesley Village Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes development of a vacant site in the FreeMoreWest area with a mixed use building containing 10,000 square feet of retail and 66,000 square feet of office uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	The Villages at Wesley Heights LLC Chris Ogunrinde Gary Wirth
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
STATEMENT OF CONSISTENCY	• The Zoning Committee found this petition to be consistent with the <i>Bryant Park Land Use & Streetscape Plan</i>; however, inconsistent with the specific limitation from the previously approved conditional plan for building size and height because: • The plan recommends a mix of residential, office, and/or retail uses; and • The proposal increases the building height from 65 feet to 90 feet and the maximum building size from 20,000 square feet to 76,000 square feet. • However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: • The site was part of a larger development plan, rezoned under petition 2007-068, which was consistent with the <i>Bryant Park Land Use & Streetscape Plan</i>. The 2007 rezoning reserved the subject site for 20,000 square feet of retail and/or office use with a maximum building height of 65 feet served by surface parking; and • The proposed rezoning will amend the entitlements for this challenging site. With utilities remaining in the former Thrift Road right-of-way on the western side of the property, the proposed site plan places surface parking in this area where buildings are not feasible; and • The site is appropriate for the proposed mid-rise, mixed use building due to its urban location along a major thoroughfare; and • Additionally, the site is approximately 300 feet from the nearby single family homes in the Wesley Heights neighborhood and separated by the buffer created by Stewart Creek and the Stewart Creek Greenway; and • The proposed building will provide a visual anchor for the emerging FreeMoreWest area; By a 5-2 vote of the Zoning Committee (motion by Wiggins seconded by Spencer).

**ZONING COMMITTEE
ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

Land Use

1. Amended the rezoning application to remove the request for five-year vested rights.

Site and Building Design

2. Revised the elevations on Sheets 2.0 and 3.0 to clearly reflect the surface parking visible from Thrift Road and Freedom Drive.
3. Provided building elevations, similar to the one provided for Freedom Drive and Thrift Road, for Rushing Creek Lane, and Wesley Village Road facades.
4. Included spandrel glass within parking deck screening to break up large expanses of structured parking screening.
5. Revised the site plan to show a proposed pedestrian connection from the front of the building through the parking lot out to Freedom Drive frontage.

REQUESTED TECHNICAL REVISIONSLand Use

6. Amended the labels to specify "Retail/EDEE" for the building elevations where they currently say only "Retail."

VOTE

Motion/Second: Majeed / Wiggins
 Yeas: Fryday, Lathrop, Majeed, Spencer, Watkins, and Wiggins
 Nays: None
 Absent: McClung
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and the changes made to the plan since the public hearing. Staff noted that the petition was consistent with the adopted plan but inconsistent with the specific conditions of the approved plan for building size and height.

A Commissioner asked if the rezoning contained any plans to address the intersection of Thrift Road and Freedom Drive which is limited to right-in/right-out but allows people to cut through the neighboring gas station parking lot to make a left onto Freedom Drive. CDOT staff explained that the proposal did not require any street or intersection changes but they could have their traffic safety team look at the intersection.

Another Commissioner asked about the street level activity and raised a concern about the parking deck fronting Wesley Village Road and Rushing Creek Lane. The Commissioner felt the lack of activation did not meet the Planning Commission's "Livable City Principles." There was some discussion about the surrounding uses and the subject site which is limited by the utility easements under the abandoned right-of-way of Thrift Road. The Zoning Committee voted to suspend the rules to allow the petitioner to answer a question about active street level uses. The petitioner stated that the retail proposed needs visibility from Freedom Drive in order to be a viable use, and there isn't enough pedestrian and vehicular traffic on Rushing Creek Lane and Wesley Village Road for retail to be viable. There was some further discussion related to development and zoning standards for parking deck screening, parking between buildings and streets and street activation. There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan amendment contains the following changes:

- Modifies the allowed square footage of retail/office uses from 20,000 square feet to 10,000 square feet of retail uses and 66,000 square feet of office uses.
- Increases the allowed maximum building height for the site from 65 feet to 90 feet.
- Adds an optional request to allow parking between the building and Freedom Drive and Thrift

Road to avoid relocation of existing utilities that are under the old alignment of Thrift Road, as proposed in the approved plan.

- Modifies vehicular access to the site to remove the one access point on Thrift Road and proposes two access points on Rushing Creek Lane.
 - Modifies parking to serve the site with both surface and structured parking. Structured parking is proposed to be located on the first three of the seven floors of the building.
 - Provides a proposed pedestrian connection from the front of the building through the parking lot out to Freedom Drive frontage.
 - Specifies the proposed building materials and provides elevations and a massing rendering to illustrate the design intent.
 - Proposes retail uses along the majority of the ground floor elevation facing Freedom Drive and a portion of the elevation abutting Wesley Village Road. Proposes additional retail space on the top floor of the building.
 - Maintains the existing streetscape, planting strips and sidewalks surrounding the site.
 - Modifies the lighting standards to increase the allowed height of freestanding lights from 20 feet to 21 feet, to remove reference to “wall pak” lighting, and to specify that lighting will be fully shielded and directed away from adjoining properties and public streets.
- **Public Plans and Policies**
The *Bryant Park Land Use and Streetscape Plan* (2007) recommends a mix of residential, office and retail land uses for the larger area in which the site is located. Rezoning petition 2007-068 had a specific allocation for the subject property for 20,000 square feet of retail/office use with a maximum building height of 65 feet, with surface parking within the former Thrift Road right-of-way.
- **TRANSPORTATION CONSIDERATIONS**
- The site is located at the corner of a minor thoroughfare and class III commercial arterial. This petition does not substantially change the trip generation, driveway location, street network or streetscape of the currently approved entitlements and site plan.
 - **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on a vacant site).
Entitlement: 2,390 trips per day (based on 20,000 square feet of retail use).
Proposed Zoning: 2,480 trips per day (based on 10,000 square feet of retail and 66,000 square feet of office use).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability via existing eight-inch water distribution mains located along Thrift Road, Rushing Creek Lane, and Wesley Village Road. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report

- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review
 - Urban Forestry Review

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